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October 27, 2023

VIA ECF

The Honorable Valerie Figueredo
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: *Baliga v. Link Motion Inc. et al.*, 1:18-cv-11642 (S.D.N.Y.) (VM) (VF):
Reply to ECF 490**

Dear Judge Figueredo:

Following Plaintiff Wayne Baliga's motion for an extension of time, ECF 489, Defendant Vincent Wenyong Shi filed a response which confirmed his consent to the briefing schedule. ECF 490. Defendant Shi also, however, decided to begin briefing the issue which Baliga reserved the right to raise in his response to the Motion to Dismiss.

If the Court would prefer that the parties brief the question of whether Michael Maloney has the authority to appear on behalf of Link Motion separately from the Motion to Dismiss, Baliga can respond to Maloney's arguments. Baliga submits that it would be in the interests of judicial economy—and more efficient for the parties—to brief the question together with the motion to dismiss.

Put simply, ECF 175 makes clear that the agreement for Maloney to represent Link Motion is limited to "the motion to dismiss [the Second Amended Complaint] now scheduled to be filed on November 4, 2020." ECF 175. At that time, the Court directed Maloney to file an appearance on behalf of Link Motion in conjunction with that proposed limited representation. ECF 175. Nothing in the record suggests that Link Motion has consented to Maloney's representation beyond the motion to dismiss the Second Amended Complaint—and there are no orders by this Court expanding Maloney's authority to represent Link Motion.

Finally, while reserving the right to dispute Maloney's substantive arguments regarding his representation, Baliga wants to address the contention that he "offers no explanation for why he waited until now to dispute the dual representation." ECF 490. While it is true that three years have elapsed since the order at ECF 175 granted Maloney the authority to represent Link Motion on the motion to dismiss the second amended complaint, the final Decision and Order relating to the Second Amended Complaint was not entered until July 28, 2023. ECF 461. The Motion to Dismiss filed on October 11, 2023 was the first filing after that motion was decided. Moreover, while Maloney has filed on behalf of Link Motion with regard to other issues, such as unsealing documents or the accounting, those filings have largely been directed at the Receiver—rather than Baliga. There is nothing untimely about Baliga raising this issue at this point.

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Respectfully submitted,

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